

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R. No. 1806 of 2005

Date of Decision:- 12.09.2006

Bharat Petroleum Corp.Ltd.

....Petitioner

through

Mr.Raman Sharma, Advocate

vs.

Kanwar Singh

....Respondent

through

Mr.R.S.Sangwan, Advocate

CORAM:-HON'BLE MR.JUSTICE SURYA KANT

SURYA KANT, J.

This revision petition has been filed against the order dated 20.1.2005 passed by the Additional Civil Judge (Sr.Div.), Mahendergarh whereby the defence of the petitioner-defendant No.1 has been struck off due to non-filing of the written statement.

Notice of motion was issued and in response thereto, the respondent-plaintiff has put in appearance.

Learned counsel for the petitioner contends that though opportunities were granted by the learned trial Court to file the written statement, however, there has been no intention of the petitioner-company to prolong the proceedings. He submits that since the written statement is ready with the petitioner, one opportunity to file the same may be given for which the respondent-plaintiff can be suitably compensated with costs.

Learned counsel for the respondent-plaintiff, however, contends that since the petitioner failed to submit the written statement despite sufficient opportunities, no case to grant one more opportunity is

made out.

After hearing learned counsel for the parties and having regard to the stand taken by the petitioner that it shall file its written statement if only one opportunity is granted and keeping in view the stage of the suit, this revision petition is allowed. The impugned order dated 20.1.2005 is set aside qua the petitioner-defendant No.1 and it is directed that it may file its written statement on or before September 30, 2006 subject to, however, payment of costs of Rs.2,000/- to the respondent-plaintiff.

Disposed of.

September 12, 2006
poonam

(SURYA KANT)
JUDGE